

IPSWICH PLANNING BOARD MEETING MINUTES
Thursday, February 27, 2014, 7:30 p.m.

Pursuant to a meeting notice posted by the Town Clerk and delivered to all Board members, a meeting of the Ipswich Planning Board was held on Thursday, February 27, 2014 in Room A, 2nd floor of Town Hall. Board members Heidi Paek, Kathleen Milano, Cathy Chadwick, Jay Stanbury, and Keith Anderson attended. Associate Bill Bent and Assistant Planner Kathy Connor also attended.

Paek convened the meeting at 7:34 pm

Announcements: Paek stated that six public hearings were on the evening's agenda.

CITIZENS' QUERIES

None.

CONSENT ORDER

Review and Approval: Meeting Minutes for January 30, 2014

MOTION: Chadwick moved to approve the consent order. Stanbury seconded. The motion passed by a vote of 5 to 0.

OTHER BUSINESS

Plan Endorsement, 78 Turnpike Road: Request by NERP Holding & Acquisition Company, LLC for endorsement of plans pertaining to development of a commercial retail building (to be leased to Tractor Supply Company) with outdoor display area.

Paek summarized the actions required prior to plan endorsement. She stated that Design Review Board members, including the chair, and Stanbury had viewed the material samples board and found it to be satisfactory. The Applicant had also provided an updated landscaping plan, which showed that 21 existing trees along Turnpike Road will remain. DRB member Rue Sherwood suggested in a letter to the Board that the wildlife seed mix proposed within the landscaping buffer along the highway be mowed once annually. The elevation renderings had also been updated. Discussion ensued.

MOTION: Stanbury moved to approve plan endorsement with the condition that the wildlife seed mix be mowed once annually. Anderson seconded. The motion passed by a vote of 5 to 0.

PUBLIC HEARINGS

Public Hearing, 2-4-6 Lords Square: Request by Chalde Realty, LLC for site plan review to allow construction of two new commercial buildings, one of which would house an existing formula fast food establishment (Dunkin' Donuts) which requires a special permit as a non-conforming use. Several associated special permits are also requested.

Paek read the legal notice. She explained that the Board would hear the applicant's presentation and then take public comment. She gave some background on the project, saying that meetings with department heads and planning staff had transpired over months prior to application submission. She said that, because discussions with the Design Review Board and the Historic Commission were still ongoing, the presentation this evening would instead focus on traffic flow and safety. She confirmed that the section of roadway involved in the project is under local control, rather than MassDOT control.

Paek explained that the Planning Board would consider the Applicant's special permit and site plan review applications, and that, subsequently, the Zoning Board would take up the matter of the variance request for the drive-through. Bob Gambale, ZBA Chair, confirmed Paek's remarks. He said the matter appears on the next ZBA agenda, set for March 20th, yet that it would likely be continued without discussion until April 17th. He advised the public to check ahead of time to see whether the April 17th hearing would be continued with or without discussion.

Rich Kallman, attorney for the applicants, introduced Dinart and Roy Serpa, owners; Rob Woodland, traffic engineer; and Rick Salvo, civil engineer. Kallman said the team had one goal in mind: to help solve the shortcomings of three properties at the Lord Square intersection for the benefit of both the Applicant and the Town.

Salvo explained that three adjacent lots in the General Business (GB) zoning district comprise the project: the lots where the (1) old fire house, (2) laundromat and (3) Dunkin' Donuts are sited. The combined size of the three lots is about 27,000 square feet. All three existing structures would be razed and two new buildings would be constructed. One would house the Dunkin' Donuts franchise, and the other would be commercial/retail space for lease. Advantages include: about 20% of the combined lots would be green space (about 1,000 s.f. more than currently exists). There would be two entrance/exits, one on High Street and one on Lords Square (a total of two curb cuts instead of the existing four). Thirty parking spaces are shown on the proposed plan (whereas 26 are required by the bylaw). The drive-through would accommodate a 13-car queue, which is longer than standard to ensure no backups onto the roadway. Along the sidewalk area, brick pavers would radiate to green space outfitted with benches and bike racks. Storm water runoff volumes would decrease. Both internal and external grease traps are proposed. Fencing and plantings would surround the perimeter of the property.

Woodland spoke about existing traffic patterns and showed a slide presentation. He explained the traffic choke points, such as when customers heading north on High Street past the intersection turn left turn into Dunkin' Donuts, and when the vehicle line to the Prime gas station occasionally extends onto the street. Another problem is that some vehicles travel in the wrong lane of Linebrook Road when exiting the laundromat toward Lords Square. Pedestrians are stranded with dead-end sidewalks in some places. Woodland showed various photos.

Woodland said fewer accidents happen than one might expect in Lord Square, because of relatively slow traveling speeds, yet that the proposed traffic improvements would assist traffic flow by addressing current problems.

A formal traffic study is in process that will utilize ATR (traffic recorders, traffic counts, etc.) posted at various points along the road and ITE data. Trip counts to the Applicant's property and to Prime gas station will be measured, and travel speeds will be documented, since speed influences sight distance safety. Woodland said that the existing sight distance when exiting Dunkin' Donuts and looking southbound is 60 feet. At this time, about 16,291 cars per day travel through Lords Square. Dunkin' Donuts' peak business is 7-9 am, whereas the peak commuter hours through Lords Square are 4-6 pm. Woodland shared existing customer counts and compared them to numbers for Dunkin' Donuts stores with drive-throughs. Drive-throughs attract more customers.

Woodland then explained the proposed changes, saying that all road and sidewalk improvements would happen at the Applicant's expense. As proposed, the road through Lord Square would be widened to 44 feet, edge to edge. The sidewalks would be modified on the north side, and a portion of dead-end sidewalk near Prime would be removed. A 10-foot shoulder would allow a line to the gas station without blocking through traffic. The entire Linebrook Road intersection would be re-contoured, including elimination of the island, in order to create an easier left turn onto Linebrook. Heading north on High Street, no left turn into Dunkin Donuts would be allowed; the existing island would be lengthened to discourage turns. The island near Prime would be contoured.

David Chechik, 77 High Street, asked what time of year the traffic counts would be done. Woodland said counts were done in January and February and will be continued into March. Data from MassDOT, which has permanent traffic counting devices not far away from Lords Square, would be used to factor in the seasonal traffic volumes. Chechik is also concerned about left turns out of Dunkin Donuts.

Robert Hegarty, 82 High Street, asked where the nearby count station is located. Woodland said it is on Central Street and that the traffic report will indicate all count station locations. Hegarty said he has lived at his address for 9 years and doesn't think Prime's customers are a problem. He believes adding road width will encourage people to wait in the gas line instead of driving by, and he doesn't find the left turn onto Linebrook difficult. He asked how the left turn off High Street would be eliminated. Woodland explained that there would be a sign and an island extension, plus creation of an easier left turn. Hegarty didn't believe those measures would deter left turns. Hegarty also inquired about the Laundromat. The Applicant stated that the Laundromat business intends to move to the new commercial building. Hegarty asked the Board to consider limiting the types of tenants in the new building to those with less parking requirements.

Brian Hone, 29 Upper River Road and a representative of the Ipswich Pedestrian and Cyclist Advocacy Group (IPCAG), said the group thinks the proposal, with improvements, could be a good project for the Town. However, pedestrian and cyclist data should be included in the traffic study. Woodland said pedestrian activity will be included and accounted for in the final design. Hone said that it is Town policy to include pedestrians in all new roadway design. School children walk through Lord Square every day and need safe passage on the sidewalks and across the curb cuts. Hone further asked whether the triangular island for northbound traffic could bend around to High Street.

Mark Allman, 68 High Street, thinks the Square is an eyesore now, but that the study should be broadened to include Liberty Street and further along High Street. He is concerned about vehicle speeds, including north of the Square where people tend to accelerate. He asked whether there will be signs to guide people to stay on Rt133/1A through the bend, because there is already much confusion, particularly by out-of-town beachgoers and truck drivers. Since trucks over 2.5 tons are not allowed on High Street, he wants assurance that the new configuration will handle 18-wheelers.

Paek indicated that time constraints would soon require continuation of the hearing, yet invited two more speakers to come forward, before she read excerpts of citizens' emails to the Board.

Barbara Monahan, 15 Damon Avenue, said she is opposed to the drive-through and believes allowing a drive-through would break a precedent. She said the zoning bylaw does not allow drive-throughs and the owners knew this when they bought the property. She also expressed concern about pedestrian safety, especially regarding school children.

Carl Gardener, 9 Woods Lane, said the burden of proof for the ZBA drive-through variance requires a hardship. Gardner stated there is no hardship and that it's backward to have the Planning Board review the project before the ZBA. He believes the Applicant should ask for a zoning bylaw change at Town Meeting instead of a variance from the ZBA.

Paek responded that the Zoning Bylaw outlines the process that must be followed for Special Permit applications and that review of such applications is customary for the Planning Board.

Paek listed people who had written to the Board about the project, including Malcolm and Susie Green (10 Riverside Drive), Susan Nelson (50 Plover Hill Road), Patience Wales (10 Hodges Way), and Sherry Hurley (13 Town Farm Road). Their concerns included density, gridlock, public safety, aesthetics, the drive through, and loss of the granite islands and old fire house. Letters of support were received from the Prime District Office (Saugus, MA), as well as Sarah Corcoran (31 High Street) who finds the current road conditions risky and the old fire house dilapidated.

The Board scheduled the site visit for March 8th at 9:00 am. The subcommittee (comprised of Paek and Bent) will meet on Monday, March 17th at 6:00 pm. Paek asked for a sense of the Board about whether the forthcoming traffic study should be peer reviewed. After a short discussion, the Board agreed to require a peer review of the traffic study.

Kallman said, in closing, that it is not the owners' intent to force the drive-through on the Town, but rather to improve Lord Square's appearance and functionality. If the changes proposed are not proven to be beneficial, Lords Square will stay the way it is.

Paek asked the Applicant to write a summary stating how the project will meet the six criteria for special permits.

MOTION: Stanbury moved to continue the public hearing to the next meeting. Chadwick seconded. The motion passed by a vote of 5 to 0.

Public Hearing, Turner Hill: Request by The Residences at the Hills LLC to modify the GEPD special permit approval: to allow demolition of the vacant former church building and apply its 25,800 square feet to future construction yet to be approved; and to allow the possible repurposing of Newman Hall as well as removal of the top floor and apply excess square footage to future construction yet to be approved.

Paek read the legal notice. John Gillis, representing Residences at the Hills LLC, and Neal Vohr, representing The Golf Club at Turner Hill, were invited to speak. Gillis requested permission to (1) demolish the church building and apply the square footage recovered to future residential development and (2) remove the upper floor of Newman Hall, which will be renovated and repurposed, and apply the square footage to future residential development. Gillis presented photos showing the existing conditions and the conceptual plans. He asked the Board to find the future development to be more appropriate and compatible than the existing buildings. Paek explained the criteria by which the Board should judge the requests, citing the appropriate bylaw section, IX.H.3.b.(2).

Ian Graham, 43 Buttonwood Lane, and representing the Turner Hill Homeowners Association, said the residents are supportive of the plan. Demolition of the church would allow for asbestos abatement on the property and the Newman Hall improvements would benefit the Golf Club.

The Board agreed to allow the Chair to review and sign the written decision on their behalf. Planning staff confirmed that the Applicant has already filed a (special permit?) application to revise the master plan at Turner Hill, for which public hearings are expected to begin on March 20th.

MOTION: Anderson moved to close the public hearing. Stanbury seconded. The motion passed by a vote of 5 to 0.

MOTION: Stanbury moved to approve the demolition of the church building and to apply its square footage to future residential development as allowed by Section IX.H.3.b.(2) of the zoning bylaw by finding the proposed residential buildings to be more consistent with the purposes of a Great Estates Preservation Development, as outlined in Section IX.H.1., than renovating the church building. Anderson seconded. The motion passed by a vote of 5 to 0.

MOTION: Stanbury moved to approve the removal of the top floor of Newman Hall and to apply its square footage to future residential development as allowed by Section IX.H.3.b.(2) of the zoning bylaw by finding the proposed removal of the top floor and renovations to be more consistent with the purposes of a Great Estates Preservation Development, as outlined in Section IX.H.1., than the existing building. Anderson seconded. The motion passed by a vote of 5 to 0.

Public Hearing, 198 High Street: Request by Brian Bilò DBA M & B Bilò Realty LLC for a special permit to convert an existing apartment attached to an existing commercial building into two apartments.

Paek read the legal notice. Ken Savoie, architect and Brian Bilò, new owner, appeared before the Board. Savoie explained that a previous special permit allowed an apartment to be attached to the existing commercial building. Bilò proposes to convert the existing two-bedroom apartment into two one-bedroom apartments, on the existing footprint. The commercial building is being improved, and landscaping will be added near the building. The parking requirements have been met; there are 15 spaces. The proposed apartments require 3 spaces (1.5 spaces each), the business requires 4 (1 space for every 300 square feet) and the warehouse requires 7 (one space for every 1,000 square feet plus one space for each service vehicle). Regarding the inclusionary housing requirements, the Applicant intends to meet with the Affordable Housing Trust Fund Board and Partnership before addressing the matter with the Planning Board. Discussion ensued about the proposed apartments. Milano asked for clarification on the doorway locations.

Mark Lempsey, High Street and a direct abutter, is pleased with building's makeover. The fence between his residence and Bilò's property needs to be replaced. Lempsey spoke of past problems with noisy air conditioners and flooding caused by a sump pump. Bilò said the air conditioning will be upgraded to a very quiet, mini-split model, so neighbors will not hear a compressor running. Bilò will also divert the sump pump to a pipe, directed so as to avoid flooding.

Regarding the fence, vinyl or chain link was proposed where snow removal must occur and along the property line with the neighboring business. Discussion ensued in favor of a wood stockade fence where practical, particularly near the neighboring residence. Bilò said he will install native plantings. The lighting will be recessed lights and wall packs with LED. There will be no spotlights on the business/apartment building and only LED lights on the warehouse building.

The Board agreed to visit the property on their own time, prior to the next hearing. Paek advised the Applicant to provide lighting specifications, fence types on the landscape plan, and an updated floor plan with entrances/exits shown.

MOTION: Chadwick moved to continue the public hearing to the next meeting. Stanbury seconded. The motion passed by a vote of 5 to 0.

Public Hearing, Proposed Zoning Amendments for Spring Town Meeting:

Flood Plain Regulations: Amend Section “IX.D. Flood Plain District” by updating references to the flood insurance rate maps

Ground-Mounted Solar Photovoltaic Installations Regulations: Amend Section “IX.Q. Ground-Mounted Solar Photovoltaic Installations” by adding three requirements and applying them and others to ground-mounted solar installations rated ≤ 10 kw.

Paek read the legal notice.

Paek said that the floodplain map references in the Bylaw should be updated, because FEMA has issued new maps showing wave height and storm surge. Proper references will ensure the Town can continue its participation in the National Flood Insurance Program. Paek explained, however, that there is controversy beyond Ipswich concerning the methodology used to create the maps, and that the maps have not yet been formally adopted. At a presentation before the Finance Committee, member Jamie Faye stated the Town may have a 12-month grace period to adopt the maps once they are finalized. On the other hand, planning staff have been advised by FEMA to update the bylaw references at this time.

Regarding the proposed amendment to the ground-mounted solar bylaw, Paek summarized written comments received from David Standley (Spiller’s Lane), Carolyn Britt (Shagbark Woods) and Mike Johnson (Kinsman Court). Their comments pertained to noise, glare, and solar access, and generally advised further consideration of the proposed amendment’s implications. Concern was also raised regarding the apparent singling out of solar panels, given that other common surfaces (lights, windows, pools) also cause glare.

Phil Goss, 417 Linebrook Road, showed photographs of the glare problem that he and his wife experience from a ground-mounted installation in their neighbor’s yard. He is hoping an amendment could benefit others, but not discourage solar installations. Discussion ensued. Goss said his problem occurred in the autumn, and he is still observing how the glare will affect his property over the course of a year. He would like the Building Inspector to have a means of mitigating the problem.

Carolyn Britt, 1 Shagbark Woods, said solar energy suffers from being “the new kid on the block.” Glare is common, yet people don’t usually complain when it comes from lights. She advocated for addressing nuisance issues, like glare and noise, on a case by case basis for redress, instead of imposing onerous regulations up front.

Tammy Goss, 417 Linebrook Road, said it is probably rare that such glare happens, but it can cause real issues between neighbors. There are currently no protections.

Paek recommended that the Board table the solar amendment initially proposed for Spring Town Meeting, but research the matter further and draft a new amendment in time for Fall Town Meeting. The Board agreed. Stanbury agreed to work with Paek on the solar revisions.

MOTION: Stanbury moved to close the public hearing. Milano seconded. The motion passed by a vote of 5 to 0.

MOTION: Chadwick moved to recommend that the proposed floodplain amendment be approved at Spring Town Meeting. Stanbury seconded. The motion passed by a vote of 5 to 0.

Continued Public Hearing, 30A Mitchell Road: Request by D & M Realty Trust for site plan review for a new industrial building to be constructed on a lot with an existing industrial building located at 30A Mitchell Road.

Rob Bouley, owner, and Larry Graham, engineer appeared before the Board. Bouley provided the clubhouse/shed sketch that the Board had requested and Graham discussed the final few Cammett peer review comments and related plan changes. Discussion ensued. The Board was pleased with the proposed clubhouse, which is also the 19th hole of the mini-golf course. No one from the public wished to speak.

MOTION: Stanbury moved to close the public hearing. Anderson seconded. The motion passed by a vote of 5 to 0.

Connor walked the Board through the draft decision. Discussion ensued. Two amendments were proposed to the decision and agreed to by the Board: 1) to remove the requirement for a clubhouse sketch since it was submitted and approved; and 2) to change the timing of the permanent easement condition from building permit issuance to certificate of occupancy approval. Bent asked about the status of the requested 22-foot wide curb-cut. Graham explained that permission had been requested from MassDOT to expand the curb cut from 20 to 22 feet, and Graham is still awaiting their response.

MOTION: Stanbury moved to approve the special permit draft decision with the amendments as discussed. Chadwick seconded. The motion passed by a vote of 5 to 0.

Public Hearing, 30A Mitchell Road: Request by D & M Realty Trust for site plan review for a new industrial building to be constructed on a lot with an existing industrial building located at 30A Mitchell Road.

Larry Graham appeared before the Board. He explained that all Cammett's comments in the peer review had been addressed. No one from the public wished to speak.

MOTION: Chadwick moved to close the public hearing. Stanbury seconded. The motion passed by a vote of 5 to 0.

Connor walked the Board through the draft decision. Discussion ensued. The draft was amended to remove the condition calling for landscaping calculations and a note about parking requirements to be added to the Proposed Site Layout and Landscaping Plan, because the condition had already been met to the Board's satisfaction.

MOTION: Chadwick moved to approve the draft decision for site plan review as amended. Anderson seconded. The motion passed by a vote of 5 to 0.

ADJOURNMENT

MOTION: Chadwick moved to adjourn the meeting. Milano seconded. The motion passed unanimously.

The meeting was adjourned at 10:22 pm.

Respectfully submitted,

Kathy Connor

Materials Used

- Meeting minutes for January 30, 2014 meeting
- Materials board, landscape plan, architectural plans, site plans for 78 Turnpike Road
- Renderings, elevation drawings, photographs, site plans including landscaping and lighting, Design Review Board report, application, letters to the Board for 2-4-6 Lords Square
- Narrative, renderings, photographs, floor plans for Turner Hill
- Application, architectural drawings, elevation drawings, floor plans, site plans for 198 High Street
- Proposed zoning amendments for Spring Town Meeting
- Site plans, clubhouse sketch, lighting plan including photometrics, landscape plan, draft decision for 330 High Street
- Site plans, draft decision for 30A Mitchell Road

The Board approved these minutes on March 20, 2014.